

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 13, 2007

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Cameron, Richardson, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Heather Mallary, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 12, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions and Memorials

SCR 120 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2007 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 15.04.01, Rules of the Division of Human Resources and Personnel Commission, Section 071 concerning Merit Increase Matrix, Subsection 03 only, Section 073 concerning Calculation of Pay, Subsection 05.b only, Section 077 concerning Bonuses, Subsection 02.c only, Section 078 concerning Retention Awards only, and Section 260 concerning Overtime, Subsection 03 only, adopted as temporary rules under Docket Number 15-0401-0601.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the Second Regular Session of the Fifty-ninth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2007 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Fifty-ninth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

SCR 120 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Cameron and Stegner were recorded present at this order of business.

March 13, 2007

The JUDICIARY AND RULES Committee reports that S 1213, S 1214, S 1215, S 1216, S 1217, S 1218, S 1219, and S 1220 have been correctly printed.

DARRINGTON, Chairman

S 1213 was referred to the Judiciary and Rules Committee.

S 1214, S 1215, S 1216, S 1217, S 1218, S 1219, and S 1220 were referred to the Finance Committee.

March 12, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1067** was delivered to the Office of the Governor at 2:58 p.m., March 12, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 12, 2007

The STATE AFFAIRS Committee reports out **H 207** and **H 214** with the recommendation that they do pass.

McKENZIE, Chairman

H 207 and **H 214** were filed for second reading.

March 12, 2007

The STATE AFFAIRS Committee reports out **H 110** with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

McKENZIE, Chairman

H 110 was filed for second reading.

March 12, 2007

The RESOURCES AND ENVIRONMENT Committee reports out **H 241** and **HCR 28** with the recommendation that they do pass.

SCHROEDER, Chairman

H 241 was filed for second reading.

HCR 28 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 12, 2007

The EDUCATION Committee reports out **HCR 19** and **HCR 29** with the recommendation that they do pass.

GOEDDE, Chairman

HCR 19 and **HCR 29** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2007

The HEALTH AND WELFARE Committee reports out **HCR 15**, **H 159**, **H 119**, as amended, and **H 168** with the recommendation that they do pass.

LODGE, Chairman

HCR 15 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 159, **H 119**, as amended, and **H 168** were filed for second reading.

March 13, 2007

The FINANCE Committee reports out **S 1214**, **S 1215**, **S 1216**, **S 1217**, **S 1218**, **S 1219**, and **S 1220** with the recommendation that they do pass.

CAMERON, Chairman

S 1214, **S 1215**, **S 1216**, **S 1217**, **S 1218**, **S 1219**, and **S 1220** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 12, 2007

Mr. President:

I transmit herewith **H 282**, **H 283**, **H 284**, **H 285**, **H 286**, **H 287**, **H 288**, **H 289**, and **HJM 5** which have passed the House.

JUKER, Chief Clerk

H 282, **H 283**, **H 284**, **H 285**, **H 286**, **H 287**, **H 288**, **H 289**, and **HJM 5** were filed for first reading.

March 12, 2007

Mr. President:

I return herewith **S 1105**, **S 1150**, **S 1160**, **S 1164**, **S 1109**, **S 1030**, as amended, **S 1064**, **S 1053**, **SCR 114**, **S 1148**, **S 1118**, **S 1130**, **S 1133**, **S 1120**, **S 1096**, **S 1081**, **S 1091**, **S 1092**, **S 1095**, **S 1089**, as amended, **S 1019**, **S 1098**, **S 1151**, and **SJM 103** which have passed the House.

JUKER, Chief Clerk

S 1105, **S 1150**, **S 1160**, **S 1164**, **S 1109**, **S 1030**, as amended, **S 1064**, **S 1053**, **SCR 114**, **S 1148**, **S 1118**, **S 1130**, **S 1133**, **S 1120**, **S 1096**, **S 1081**, **S 1091**, **S 1092**, **S 1095**, **S 1089**, as amended, **S 1019**, **S 1098**, **S 1151**, and **SJM 103** were referred to the Judiciary and Rules Committee for enrolling.

March 12, 2007

Mr. President:

I transmit herewith Enrolled **H 117**, **H 100**, **H 54**, as amended in the Senate, **H 32**, as amended in the Senate, **H 71**, as amended in the Senate, **H 20**, as amended in the Senate, **HCR 13**, **HCR 25**, and **HCR 22** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 117**, **H 100**, **H 54**, as amended in the Senate, **H 32**, as amended in the Senate, **H 71**, as amended in the Senate, **H 20**, as amended in the Senate, **HCR 13**, **HCR 25**, and **HCR 22**, and ordered them returned to the House.

March 12, 2007

Mr. President:

I return herewith **S 1016**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Hill, granted by unanimous consent, **S 1016**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Richardson was recorded present at this order of business.

The President Pro Tempore announced the Resources and Environment Committee report relative to the Gubernatorial appointments of Gary Chamberlain, Charles Cuddy, Robert "Bob" Graham, and Jerry R. Rigby was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Siddoway, seconded by Senator Stennett, the Gubernatorial appointment of Gary Chamberlain as a member of the Idaho Water Resource Board was confirmed by voice vote.

On motion by Senator Heinrich, seconded by Senator Stennett, the Gubernatorial appointment of Charles Cuddy as a member of the Idaho Water Resource Board was confirmed by voice vote.

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of Robert "Bob" Graham as a member of the Idaho Water Resource Board was confirmed by voice vote.

On motion by Senator Hill, seconded by Senator Stennett, the Gubernatorial appointment of Jerry R. Rigby as a member of the Idaho Water Resource Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that **HCR 8** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Malepeai, seconded by Senator Davis, **HCR 8** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that the House amendments to **S 1016**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1016**, as amended in the House?"

On request by Senator Hill, granted by unanimous consent, the Senate concurred in the House amendments to **S 1016**, as amended in the House.

S 1016, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1221

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2008; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND REQUIRING THAT CERTAIN MONEYS BE EXPENDED FOR BANK SERVICE FEES.

S 1222

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1223

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; APPROPRIATING ADDITIONAL MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

S 1224
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO BOND PAYMENTS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JULY 1, 2007; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JANUARY 1, 2008; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING ALLOCATION OF SALARY SAVINGS; AND DIRECTING THE COVERAGE OF INCREASED PREMIUM COSTS AND THE INSTITUTION OF AN ADDITIONAL INSURANCE PLAN.

S 1225
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING ALLOCATION OF SALARY SAVINGS.

S 1226
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1227
BY FINANCE COMMITTEE
 AN ACT

RELATING TO APPROPRIATIONS; PROVIDING A TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND.

S 1221, S 1222, S 1223, S 1224, S 1225, S 1226, and S 1227 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 282, H 283, H 284, H 285, H 286, H 287, H 288, and H 289, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

HJM 5, by Revenue and Taxation Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 152, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

H 218, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1179, by State Affairs Committee, was read the second time at length and filed for third reading.

H 170, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 230, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1210, S 1211, and S 1212, by Finance Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 81, H 56, S 1115, S 1181, H 28, and H 171** without recommendation, amended as follows:

SENATE AMENDMENT TO H 81
 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 16, delete "fifty dollars (\$250.00)" and insert: "forty dollars (\$240.00)"; in line 29, delete "seventy dol-" and in line 30, delete "lars (\$3570.00)" and insert: "sixty dollars (\$3560.00)".

SENATE AMENDMENT TO H 56
 AMENDMENTS TO SECTION 1

On page 3 of the printed bill, delete lines 23 and 24, and insert:

"(e) Four (4) state legislators consisting of one (1) member appointed by the president pro tempore of the senate, one (1) member appointed by the minority leader of the senate, one (1) member appointed by the speaker of the house of representatives and one (1) member appointed by the minority leader of the house of representatives;"; in line 45, delete "(h)" and insert: "(j)"; and following line 47, insert:

"(4) The duties of the board of directors shall be to:

(a) Elect a cochair as provided in section 67-9007, Idaho Code;

(b) To appoint and employ, and at its pleasure discharge, an executive director and to prescribe the duties and fix the compensation of the executive director; and

© To establish offices, to incur expenses, to enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter.

(5) The board of directors shall hold a meeting at least annually. A majority of the members of the board of directors shall constitute a quorum."

On page 4, delete lines 30 through 38 and insert: "performance evaluation of an employee of an agency who has worked with the partnership, that agency may consider any comments submitted by the partnership in support of the employee."

CORRECTION TO TITLE

On page 1, delete lines 8 through 10, and insert: "PROVIDE FOR GENERAL MEMBERSHIP AND TO PROVIDE FOR CONSIDERATION OF CERTAIN COMMENTS WHEN CONDUCTING PERFORMANCE EVALUATIONS OF STATE EMPLOYEES."

SENATE AMENDMENT TO S 1115

AMENDMENT TO BILL

On page 1 of the printed bill, delete line 6, which is the enacting clause.

SENATE AMENDMENTS TO S 1181

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 15 through 18 and insert: "used in this section, "public safety officer" is as defined in section 59-1361A(3)(b), Idaho Code."; and delete lines 39 and 40 and insert:

"(b) Shall be considered as being made under a statute in the nature of a worker's compensation act for purposes of 26 CFR part 1.104-1(b);".

AMENDMENT TO SECTION 2

On page 2, in line 17, delete "59-1361B(1)" and insert: "59-1361A(3)(b)".

SENATE AMENDMENT TO H 28

AMENDMENTS TO THE BILL

On page 6 of the printed bill, delete lines 42 through 53; and delete all of page 7 and insert:

"SECTION 6. Sections 1, 3, 4 and 5 of this act shall be in full force and effect on and after July 1, 2007. Section 2 of this act shall be in full force and effect on and after July 1, 2008."

CORRECTION TO TITLE

On page 1, delete lines 9 through 13 and insert: "CERTAIN WORK CONDUCTED BY PROFESSIONAL ENGINEERS; AND PROVIDING EFFECTIVE DATES."

SENATE AMENDMENT TO H 171

AMENDMENT TO SECTION 2

On page 2 of the printed bill, delete lines 39 through 43 and insert:

"(I) The department made reasonable efforts to eliminate the need for shelter care but the efforts were unsuccessful; or

(ii) The department made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventive services; and".

AMENDMENTS TO SECTION 3

On page 3, delete line 53; and on page 4, delete lines 1 and 2 and insert: "~~child~~ The department made reasonable efforts to prevent removal but was not able to safely provide preventive services;".

The Committee also has **S 1141** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Stennett, the report was adopted by voice vote.

S 1115, as amended, and **S 1181**, as amended, were referred to the Judiciary and Rules Committee for engrossing, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 81, as amended in the Senate, **H 56**, as amended in the Senate, **H 28**, as amended in the Senate, and **H 171**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

H 180, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 180** passed, title was approved, and the bill ordered returned to the House.

H 183 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Keough and McKenzie arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 183** passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Geddes called Senator Hammond to the Chair.

H 121 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--Broadsword, Fulcher, McKague, Pearce. Total - 4.

Total - 35.

Whereupon the Acting President declared **H 121** passed, title was approved, and the bill ordered returned to the House.

H 157 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **H 157** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, the Senate recessed at 11:59 a.m. until the hour of 3:15 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 3:15 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Andreason, Burkett, Gannon, Lodge, McKenzie, Schroeder, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Pro Tempore Geddes called Senator Hammond to the Chair.

Senators Andreason, Gannon, Lodge, McKenzie, Schroeder, and Stegner were recorded present at this time.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1179** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

S 1179 was read third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1179** passed, title was approved, and the bill ordered transmitted to the House.

H 158 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 158** passed, title was approved, and the bill ordered returned to the House.

H 4 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stenner, Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 4** passed, title was approved, and the bill ordered returned to the House.

Senator Burkett was recorded present at this order of business.

H 102 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stenner, Werk. Total - 35.

Whereupon the Acting President declared **H 102** passed, title was approved, and the bill ordered returned to the House.

H 135 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate.

Pursuant to Senate Rule 39(H), Senator Fulcher disclosed a possible conflict of interest under applicable law.

The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stenner, Werk. Total - 31.

NAYS--Burkett, Kelly, Langhorst. Total - 3.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 135** passed, title was approved, and the bill ordered returned to the House.

H 136 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate.

Pursuant to Senate Rule 39(H), Senator Fulcher disclosed a possible conflict of interest under applicable law.

The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stenner, Werk. Total - 35.

Whereupon the Acting President declared **H 136** passed, title was approved, and the bill ordered returned to the House.

H 202 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate.

Pursuant to Senate Rule 39(H), Senator Bastian disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Davis disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Malepeai disclosed a possible conflict of interest under applicable law.

The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, Pearce, Richardson, Schroeder, Siddoway, Stenner, Werk. Total - 28.

NAYS--Corder, Davis, Heinrich, Little, McKague, McKenzie, Stenner. Total - 7.

Total - 35.

Whereupon the Acting President declared **H 202** passed, title was approved, and the bill ordered returned to the House.

H 181 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **H 181** passed, title was approved, and the bill ordered returned to the House.

H 189 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate.

Senator Siddoway requested that he be excused from voting on **H 189** pursuant to Senate Rule 39(A). Senator Siddoway's request was granted by unanimous consent.

Senator Bair requested that he be excused from voting on **H 189** pursuant to Senate Rule 39(A). Senator Bair's request was granted by unanimous consent.

The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 30.

NAYS--None.

Absent-- Geddes, Lodge, Malepeai. Total - 3.

Excused from voting - Bair, Siddoway. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 189** passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Geddes returned to the Chair.

H 197 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 197** passed, title was approved, and the bill ordered returned to the House.

H 198 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 198** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 218** was placed before **H 277** on the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:05 p.m. until the hour of 9:30 a.m., Wednesday, March 14, 2007.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary